

## DEPARTMENT OF BENEFIT PAYMENTS

744 P Street  
Sacramento, CA 95814



June 4, 1975

ALL-COUNTY LETTER NO. 75-111

TO: ALL DISTRICT ATTORNEYS  
ALL COUNTY WELFARE DIRECTORS

SUBJECT: CHILD SUPPORT LEGISLATION

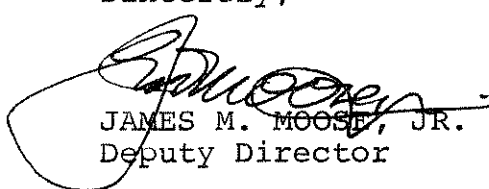
REFERENCE:

Public Law 93-647, the Social Services Amendments of 1974, added a new Title IV-D to the Social Security Act. Title IV-D imposes federal requirements relating to the enforcement of child support which must be met by all states.

The Federal statute will require a number of changes in California statutes and regulations. AB 2326, introduced by Assemblywoman Leona Egeland at the request of the Health and Welfare Secretary, is intended to provide the statutory basis for our new State Plan. Regulatory changes are being prepared by the Department of Benefit Payments and will be distributed in the near future.

A copy of AB 2326 is attached for your information.

Sincerely,

  
JAMES M. MOOSE, JR.  
Deputy Director

cc: CWDA

Attachment

# OBSOLETE

Superseded by

ACI

77-15

Issued

3-17-77

AMENDED IN ASSEMBLY MAY 29, 1975

CALIFORNIA LEGISLATURE—1975-76 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2326**

**Introduced by Assemblywoman Egeland**

**May 14, 1975**

REFERRED TO COMMITTEE ON HUMAN RESOURCES

An act to amend Sections 10850, 11457, 11478.5, 11487, and 15200.1 of, to add Sections 11268, 11350, *11350.1*, 11475, 11475.1, 11475.2, 11476, *11476.1*, 11477, 11500.2, and 15204.2 to, and to repeal Sections 10850.1, 11350, 11352, 11475, 11476, 11477, and 11488 of, the Welfare and Institutions Code, and to repeal Section 42.5 of Chapter 578 of the Statutes of 1971, relating to enforcement of child support, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2326, as amended, Egeland (Human Res.). Public assistance: aid to needy children.

This bill revises the "Aid to Families with Dependent Children Law" relative to eligibility for aid, responsibility of non-custodial spouses of children receiving aid, and the administration and funding thereof.

The purpose of the revision is to make California law in compliance with federal law; and would include the following changes:

Existing law requires that 21.25 percent of the moneys received or collected from noncustodial parents be returned to the counties from the Support Enforcement Incentive Fund.

This bill would increase the amount returned based on fed-

eral and state funds to a percentage of 33.75 from July 1, 1975, through June 30, 1976, and 27.75 percent after July 1, 1976.

Existing law makes no provision for an incentive fund for payments to California counties and other states for moneys received or collected from noncustodial parents residing outside California.

This bill would require that payments be made from the Interstate Collection Incentive Fund to California counties and other states for moneys received or collected from noncustodial parents residing outside California. The equivalent percentage required to be paid is the same as that required from the Support Enforcement Incentive Fund.

This bill would authorize the Department of Benefit Payments to establish the administrative support positions necessary to implement the provisions of law. The positions will be 75 percent federally funded and 25 percent state funded.

Existing law provides that the state shall pay 50 percent of the nonfederal administrative costs of administering the payment of aid grants. This bill would retain that provision with the exception of activities related to collection of support from noncustodial parents and the determination of paternity.

This bill would provide that from July 1, 1975 through June 30, 1976, the counties shall receive 75 percent of costs determined necessary for the child support program, to which the state shall contribute that portion not funded by the federal government.

On July 1, 1976 counties shall receive 75 percent of those costs determined necessary for administering "Aid to Families with Dependent Children" to which the state shall contribute that portion not funded by the federal government.

If under the bill the amount of federal government participation exceeds 75 percent of costs of administering the child support program, the sharing ratio will be altered accordingly.

Existing law does not require the furnishing of social security numbers, cooperation by the custodial parent in securing support from the noncustodial parent, or the assignment of support rights to the county, as conditions for eligibility under Aid to Families with Dependent Children.

*the court shall make an independent determination on the issue of support which shall supersede a previous court order on the issue of support. The bill would give the district attorney, in the absence of a court order, the power to enter into an agreement with the noncustodial parent for the entry of a judgment determining periodic child support payments and paternity, if applicable.*

*The bill would provide that neither appropriation is made nor obligation created for the reimbursement of any local agency for any costs incurred pursuant to the act, because certain appropriations are made and the bill contains a revenue source which may be utilized by local governments to cover the cost of the mandate.*

*This bill is an urgency statute, to take effect immediately.*

*Vote: 2/3. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no state funding.*

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 10850 of the Welfare and  
2 Institutions Code is amended to read:  
3 10850. Except as otherwise provided in this section,  
4 all applications and records concerning any individual  
5 made or kept by any public officer or agency in  
6 connection with the administration of any provision of  
7 this code relating to any form of public social services for  
8 which grants-in-aid are received by this state from the  
9 United States government shall be confidential, and shall  
10 not be open to examination for any purpose not directly  
11 connected with the administration of such public social  
12 service; provided, however, that any agency having  
13 custody of such records may make the disbursement  
14 records available to the district attorney upon his request.  
15 The information thus obtained shall be made available to  
16 the district attorney for the official conduct of ~~his office~~  
17 *the office of the district attorney* and shall not be used for  
18 any other purpose. The enforcement of child support, the  
19 determination of paternity, and the investigation and  
20 prosecution of welfare fraud shall be considered the  
21 administration of public social services for the purposes of

This bill would impose the above requirements.

Existing law does not prohibit payment by the noncustodial parent directly to the custodial parent.

This bill would require that money collected from noncustodial parents for the support of a needy child, with respect to whom an assignment has been made, shall be paid directly to the district attorney or his designee and shall not be paid directly to the family; and provision is made for transmission to the county department providing aid.

Existing law makes it the duty of the district attorney to enforce the support liability.

This bill designates the Department of Benefit Payments as the single organizational unit whose duty it shall be to administer the State Plan for securing child support and determining paternity. State Plan functions shall be performed by other agencies as required by law, by delegation of the Department, or by cooperative agreements. The Director of Benefit Payments shall notify the Attorney General of the failure of a public agency to comply with the State Plan, and the Attorney General shall take appropriate action to secure compliance. Provision is made in the bill for sanctions by withholding of state or federal funds, *including incentive funds, or appropriate action by the Attorney General*, to secure compliance with certain provisions of law relative to failure to comply with cooperative agreements, ~~and~~ established merit system standards, *and minimum staffing requirements at the county level.*

Existing law does not require each county to maintain a single organizational unit in the office of the district attorney which is responsible for enforcing the obligation of parents to support their children and determining paternity in the case of a child born out of wedlock.

This bill would require that such an organizational unit be established in the district attorney's office in each county, and would make other changes. *The bill would require in any action brought by the district attorney for the support of minor children, that the issues be limited to the question of child support and paternity, if applicable. The bill does not prevent the parties from bringing an independent action under the Family Law Act to litigate the issue of support, in which case,*

1 this section.

2 Except as otherwise provided in this section, no person  
3 shall publish or disclose or permit or cause to be  
4 published or disclosed any list of persons receiving public  
5 social services. Any county welfare department in this  
6 state may release lists of applicants for, or recipients of,  
7 public social services, to any other county welfare  
8 department or the Department of Benefit Payments or  
9 the State Department of Health, and such lists or any  
10 other records shall be released when requested by any  
11 county welfare department or the Department of Benefit  
12 Payments or the State Department of Health. Such lists  
13 or other records shall only be used for purposes directly  
14 connected with the administration of public social  
15 services. Except for such purposes, no person shall  
16 publish, disclose, or use or permit or cause to be  
17 published, disclosed, or used any confidential information  
18 pertaining to an applicant or recipient. However, this  
19 section shall not prohibit the furnishing of such  
20 information to other public agencies to the extent  
21 required for verifying eligibility or for other purposes  
22 directly connected with the administration of public  
23 social services. Any person knowingly and intentionally  
24 violating the provisions of this paragraph is guilty of a  
25 misdemeanor.

26 The Department of Benefit Payments shall inform the  
27 Department of Motor Vehicles of the names, birthdates,  
28 and addresses of all applicants or recipients of aid to the  
29 blind. The Department of Motor Vehicles, upon receipt  
30 of such information, shall inform the Department of  
31 Benefit Payments of any such applicant or recipient of  
32 aid to the blind who holds a valid California driver's  
33 license.

34 The Department of Benefit Payments may make rules  
35 and regulations governing the custody, use and  
36 preservation of all records, papers, files and  
37 communications pertaining to the administration of the  
38 laws relating to public social services. The rules and  
39 regulations shall be binding on all departments, officials  
40 and employees of the state, or of any political subdivision

1 of the state and may provide for giving information to or  
2 exchanging information with agencies, public or political  
3 ~~subdivision~~ *subdivisions* of the state, and may provide for  
4 giving information to or exchanging information with  
5 agencies, public or private, which are engaged in  
6 planning, providing or securing social services for or in  
7 behalf of recipients or applicants; and for making case  
8 records available for research purposes, provided, that  
9 such research will not result in the disclosure of the  
10 identity of applicants for or recipients of public social  
11 services.

12 Any person, including every public officer and  
13 employee, who knowingly secures or possesses, other  
14 than in the course of official duty, an official list or a list  
15 compiled from official sources, published or disclosed in  
16 violation of this section, of persons who have applied for  
17 or who have been granted any form of public social  
18 services for which state or federal funds are made  
19 available to the counties is guilty of a misdemeanor.

20 SEC. 2. Section 10850.1 of the Welfare and  
21 Institutions Code is repealed.

22 SEC. 3. Section 11268 is added to the Welfare and  
23 Institutions Code, to read:

24 11268. Each applicant for or recipient of aid shall be  
25 required as a condition of eligibility, to furnish or  
26 cooperate in securing ~~his~~ *the applicant's* social security  
27 account number (or numbers, if ~~he~~ *the applicant* has  
28 more than one such number). The county shall utilize  
29 such account numbers in the administration of aid.

30 SEC. 4. Section 11350 of the Welfare and Institutions  
31 Code is repealed.

32 SEC. 5. Section 11350 is added to the Welfare and  
33 Institutions Code, to read:

34 11350. In any case of separation or desertion of a  
35 parent *or parents* from ~~the other parent~~ *a* and child or  
36 children which results in aid under this chapter being  
37 granted to such family, the noncustodial parent *or*  
38 *parents* shall be obligated to the county for an amount  
39 equal to:

40 (a) The amount specified in an order for the support

1 and maintenance of such family issued by a court of  
2 competent jurisdiction; or in the absence of ~~said~~ such  
3 court order,

4 (b) The amount of aid paid to the family during such  
5 period of separation or desertion limited by such parent's  
6 reasonable ability to pay; and

7 (c) Such obligation shall be reduced by any amount  
8 actually paid, *in accordance with the provisions of this*  
9 *chapter*, by such parent during such period of separation  
10 or desertion for the support and maintenance of such  
11 family.

12 ~~In the absence of such court order, or if there is reason~~  
13 ~~to believe that an existing court order is not based on the~~  
14 ~~noncustodial parent's reasonable ability to pay, the~~  
15 ~~district attorney shall bring suit for enforcement of~~  
16 ~~support pursuant to this section.~~

17 *The district attorney shall take appropriate action*  
18 *pursuant to this section in the superior court of the*  
19 *county which provided aid under this chapter.*

20 The court may order the defendant to pay the county  
21 reasonable attorney fees and court costs in any  
22 proceeding brought by the county pursuant to this  
23 section.

24 *SEC. 5.5 Section 11350.1 is added to the Welfare and*  
25 *Institutions Code, to read:*

26 *11350.1. Notwithstanding the provisions of any other*  
27 *statute, in any action brought by the district attorney for*  
28 *the support of a minor child or children, there shall be no*  
29 *joinder of actions, or coordination of actions, or*  
30 *cross-complaints, and the issues shall be limited strictly to*  
31 *the question of paternity, if applicable, and child support.*  
32 *Nor shall such action be delayed or stayed because of the*  
33 *pendency of any other action between the parties.*  
34 *Nothing herein contained shall be construed to prevent*  
35 *the parties from bringing an independent action under*  
36 *the Family Law Act or otherwise, and litigating the issue*  
37 *of support. In such event, the court in such proceedings*  
38 *shall make an independent determination on the issue of*  
39 *support which shall supersede the order made pursuant*  
40 *to this section.*



1 SEC. 6. Section 11352 of the Welfare and Institutions  
2 Code is repealed.

3 SEC. 7. Section 11457 of the Welfare and Institutions  
4 Code is amended to read:

5 11457. Fines, penalties or forfeitures imposed under  
6 Section 270d of the Penal Code shall be deposited in the  
7 general fund of the county treasury and shall not be taken  
8 into account in determining the amount of aid to be paid.

9 Money from noncustodial parents for the support of a  
10 needy child with respect to whom an assignment under  
11 Section 11477 of the Welfare and Institutions Code has  
12 been made shall be paid directly to the district attorney  
13 or his designee and shall not be paid directly to the  
14 family. Such absent parent support payments, when  
15 collected by or paid through any public officer or agency,  
16 shall be transmitted to the county department providing  
17 aid under this chapter.

18 The Department of Benefit Payments, by regulation,  
19 will establish procedures, *in accordance with federal law*,  
20 for the distribution of such noncustodial parent support  
21 payments.

22 If the noncustodial parent makes a lump-sum payment  
23 to cover future months, the amount paid shall be applied  
24 to future months in installments as designated by court  
25 order or written agreement, or in the absence of such  
26 designation as specified by the contributor.

27 SEC. 8. Section 11475 of the Welfare and Institutions  
28 Code is repealed.

29 SEC. 9. Section 11475 is added to the Welfare and  
30 Institutions Code, to read:

31 11475. The State Department of Benefit Payments is  
32 hereby designated the single organizational unit whose  
33 duty it shall be to administer the State Plan for securing  
34 child support and determining paternity. State Plan  
35 functions shall be performed by other agencies as  
36 required by law, by delegation of the department, or by  
37 cooperative agreements.

38 The Director of the Department of Benefit Payments  
39 shall formulate, adopt, amend or repeal, in accordance  
40 with provisions of Section 10554, regulations and general

1 policies affecting the purposes, responsibilities, and  
2 jurisdiction of the department and which are consistent  
3 with law and necessary for the administration of the State  
4 Plan for securing child support and determining  
5 paternity.

6 SEC. 10. Section 11475.1 is added to the Welfare and  
7 Institutions Code, to read:

8 11475.1. Each county shall maintain a single  
9 organizational unit located in the office of the district  
10 attorney which shall have responsibility for promptly and  
11 effectively enforcing the obligation of parents to support  
12 their children and determining paternity in the case of a  
13 child born out of wedlock. The district attorney shall take  
14 appropriate action, both civil and criminal, to enforce this  
15 obligation when the child is receiving public assistance  
16 and when requested to do so by the individual on whose  
17 behalf the enforcement efforts will be made when the  
18 child is not receiving public assistance.

19 Nothing herein shall prohibit the district attorney from  
20 entering into cooperative arrangements with other  
21 county departments as necessary to carry out the  
22 responsibilities imposed by this section pursuant to plans  
23 of cooperation approved by the department. of  
24 cooperation with such departments approved by the  
25 Department of Benefit Payments.

26 SEC. 11. Section 11475.2 is added to the Welfare and  
27 Institutions Code, to read:

28 ~~11475.2. If at any time the Director of the~~  
29 ~~Department of Benefit Payments considers any public~~  
30 ~~agency, which has been delegated State Plan functions by~~  
31 ~~law and which has not entered into a cooperative~~  
32 ~~agreement, to be failing to comply with the State Plan,~~  
33 ~~the director shall notify the Attorney General of such~~  
34 ~~failure to comply with the State Plan and the Attorney~~  
35 ~~General shall take appropriate action to secure~~  
36 ~~compliance.~~

37 11475.2. The Department of Benefit Payments in  
38 consultation with the Attorney General shall establish the  
39 minimum staffing requirements for child support and  
40 paternity determination activities which shall be binding

1 upon the counties. Such staffing requirements will be  
2 applicable regardless of whether or not a case involves a  
3 child who receives public assistance.

4 If at any time the Director of the Department of  
5 Benefit Payments considers any public agency, which is  
6 required by law, by delegation of the department, or by  
7 cooperative agreement, to perform functions relating to  
8 the state plan for securing child support and determining  
9 paternity, to be failing in a substantial manner to comply  
10 with any provision of the state plan, including staffing  
11 standards, the director shall put such agency on written  
12 notice to that effect.

13 If the director determines that there is a failure on the  
14 part of such public agency to comply with the provisions  
15 of the ~~cooperative agreement~~ state plan, or if the State  
16 Personnel Board certifies to the director that such public  
17 agency is not in conformity with established merit system  
18 standards under Part 2.5 (commencing with Section  
19 19800) of Division 5 of Title 2 of the Government Code,  
20 or if a county fails to meet the staffing requirements as  
21 established by the director, and that sanctions are  
22 necessary to secure compliance, ~~the director may~~  
23 ~~withhold part or all of state and federal funds from such~~  
24 ~~public agency until the public agency shall make a~~  
25 ~~showing to the director of full compliance; the director~~  
26 ~~may invoke either or both of the following sanctions:~~

27 (a) Withhold part or all of state and federal funds,  
28 including incentive funds, from such public agency until  
29 the public agency shall make a showing to the director of  
30 full compliance; or

31 (b) Notify the Attorney General that there has been a  
32 failure to comply with the state plan and the Attorney  
33 General shall take appropriate action to secure  
34 compliance.

35 Nothing in this section shall be construed as relieving  
36 the board of supervisors of the responsibility to provide  
37 funds necessary for the continued operation of the state  
38 plan as required by law.

39 SEC. 12. Section 11476 of the Welfare and  
40 Institutions Code is repealed.

1 SEC. 13. Section 11476 is added to the Welfare and  
2 Institutions Code, to read:

3 11476. It shall be the duty of the county department  
4 to refer all cases where a parent is absent from the home  
5 to the district attorney immediately at the time the  
6 application for assistance, or certificate of eligibility, is  
7 signed by the applicant or recipient. The county  
8 department shall cooperate with the district attorney and  
9 shall make available to him all pertinent information as  
10 provided in Section 11478.

11 Upon referral from the county department, the district  
12 attorney shall investigate the question of nonsupport or  
13 paternity and shall take all steps necessary to obtain  
14 support for the needy child and determine paternity in  
15 the case of a child born out of wedlock. Upon the advice  
16 of the county department that a child is being considered  
17 for adoption, the district attorney shall delay ~~his~~ *the*  
18 investigation and other actions with respect to the case  
19 until advised that the adoption is no longer under  
20 consideration. The granting of aid to an applicant shall  
21 not be delayed or contingent upon investigation by the  
22 district attorney.

23 Where a court order has been obtained, any  
24 contractual agreement for support between the district  
25 attorney or the county department and the noncustodial  
26 parent shall be deemed null and void to the extent that  
27 it is not consistent with the court order.

28 Whenever a family which has been receiving aid to  
29 families with dependent children ceases to receive  
30 assistance, the district attorney shall:

31 (1) Continue to enforce support payments from the  
32 noncustodial parent for a period not to exceed three  
33 months from the month following the month in which  
34 such family ceased to receive assistance and pay all  
35 amounts so collected to the family; and

36 (2) At the end of such three-month period, if *after*  
37 *written notice to the individual*, the district attorney is  
38 requested to do so by the individual on whose behalf the  
39 enforcement efforts will be made, continue to enforce  
40 such support payments from the noncustodial parent.

1 The district attorney shall, where appropriate, utilize  
2 reciprocal arrangements adopted with other states in  
3 securing support from an absent parent from any child.  
4 In individual cases where utilization of reciprocal  
5 arrangements has proven ineffective, the district  
6 attorney may forward to the ~~Department of Benefit~~  
7 ~~Payments~~ *Attorney General* a request to utilize federal  
8 courts in order to obtain or enforce orders for child  
9 support. In individual cases where there is a court order  
10 for support and where reasonable efforts to collect  
11 amounts assigned pursuant to Welfare and Institutions  
12 Code Section 11477 have failed, the district attorney may  
13 forward a certified copy of such court order to the  
14 Department of Benefit Payments with a request that the  
15 case be forwarded to the Treasury Department for  
16 collection. The ~~Department of Benefit Payments~~  
17 *Attorney General* shall forward such requests to the  
18 Secretary of Health, Education, and Welfare, or his  
19 designated representative.

20 *SEC. 13.5. Section 11476.1 is added to the Welfare*  
21 *and Institutions Code, to read:*

22 *11476.1. In the event there is no court order for child*  
23 *support, the district attorney may enter into an*  
24 *agreement with the noncustodial parent, on behalf of the*  
25 *custodial parent, a minor child, or children, for the entry*  
26 *of a judgment determining paternity, if applicable, and*  
27 *for periodic child support payments. The clerk shall file*  
28 *the agreement without the payment of any fees or*  
29 *charges. The court shall enter judgment thereon without*  
30 *action. The provisions of Civil Code Section 4702 shall*  
31 *apply to such judgment. The district attorney shall be*  
32 *directed to effect service upon the obligor of a copy of the*  
33 *judgment, and to promptly file proof of service thereof.*

34 *SEC. 14. Section 11477 of the Welfare and*  
35 *Institutions Code is repealed.*

36 *SEC. 15. Section 11477 is added to the Welfare and*  
37 *Institutions Code, to read:*

38 *11477. As a condition of eligibility for aid paid under*  
39 *this chapter, each applicant or recipient shall:*

40 (a) Assign to the county any rights to support from any

1 other person such applicant may have in ~~his~~ *their* own  
2 behalf or in behalf of any other family member for whom  
3 the applicant is applying for or receiving aid, and which  
4 have accrued at the time such assignment is made.  
5 Receipt of public assistance under this chapter *after July*  
6 *1, 1975*, shall operate as an assignment by operation of law  
7 *for those recipients of public assistance in the preceding*  
8 *month*.

9 (b) Cooperate with the county welfare department  
10 and district attorney in establishing the paternity of a  
11 child born out of wedlock with respect to whom aid is  
12 claimed, and in obtaining any other payments or  
13 property due such applicant or such child. The  
14 Department of Benefit Payments shall establish a list of  
15 acts, *in accordance with federal law*, which shall be  
16 deemed to be a refusal to offer reasonable cooperation  
17 and assistance.

18 If the relative with whom a child is living is found to be  
19 ineligible because of failure to comply with the provisions  
20 of this section, any aid for which such child is eligible will,  
21 to the extent required by federal law, be provided in the  
22 form of protective payments.

23 *The department shall insure that all applicants for or*  
24 *recipients of aid under this chapter are properly notified*  
25 *of the conditions imposed by this section.*

26 SEC. 16. Section 11478.5 of the Welfare and  
27 Institutions Code is amended to read:

28 11478.5. There is in the Department of Justice a  
29 ~~central registry of records~~ *parent locator service* showing,  
30 as far as is known, with respect to any parent who has  
31 deserted or abandoned any child:

32 (a) The full and true name of such parent together  
33 with any known aliases;

34 (b) Date and place of birth;

35 (c) Physical description;

36 (d) Social security number;

37 (e) Occupation;

38 (f) Military status and ~~his or her Veterans'~~ *Veterans'*  
39 Administration or military service serial number;

40 (g) Last known address and date thereof;

- 1 ~~(h)~~ The number on his or her driver's license;  
2 (h) Driver's license number;  
3 (i) Any police record; and  
4 (j) Any further information that may be of assistance  
5 in locating the noncustodial parent.

6 To effectuate the purposes of this section, the Attorney  
7 General shall, to the extent necessary, utilize the parent  
8 locator service in the Department of Health, Education,  
9 and Welfare, and, may request and shall receive from  
10 departments, boards, bureaus, or other agencies of the  
11 state, or any of its political subdivisions, and the same are  
12 authorized to provide, such assistance and data as will  
13 enable the Justice Department and the local public  
14 agencies to carry out their powers and duties to locate  
15 such parents and to enforce their liability for the support  
16 of their children. In addition the district attorneys shall  
17 submit to the Attorney General a uniform statistical  
18 report each month summarizing case and collection  
19 activity in their counties in connection with child support  
20 enforcement. The Attorney General shall adopt a  
21 uniform report form to be used by the district attorneys  
22 in submitting this monthly report. The purpose of this  
23 uniform monthly report is to facilitate the analysis of each  
24 county's performance in child support activities.

25 Any records established pursuant to the provisions of  
26 this section shall be available only to district attorneys,  
27 probation departments, ~~central registries in other states~~  
28 *state locator services*, the federal parent locator service,  
29 and courts having jurisdiction in support or abandonment  
30 proceedings or actions.

31 The Department of ~~Benefit Payments~~ *Justice*, in  
32 consultation with the Department of ~~Justice~~ *Benefit*  
33 *Payments*, shall promulgate rules and regulations to  
34 facilitate maximum and efficient use of such ~~registry by~~  
35 ~~local welfare departments~~ *locator service*.

36 This section shall be construed in a manner consistent  
37 with the other provisions of this article.

38 SEC. 17. Section 11487 of the Welfare and  
39 Institutions Code is amended to read:

40 11487. Except as provided in Section 11457, whenever

1 any aid under this chapter is repaid to a county or  
2 recovered by a county, the state shall be entitled to a  
3 share of the amount received or recovered,  
4 proportionate to the amount of state funds paid, and, if  
5 funds advanced by the federal government were paid,  
6 the federal government shall be entitled to a share of the  
7 amount received or recovered, proportionate to the  
8 amount of federal funds paid.

9 SEC. 18. Section 11488 of the Welfare and  
10 Institutions Code is repealed.

11 SEC. 19. Section 15200.1 of the Welfare and  
12 Institutions Code is amended to read:

13 15200.1. There is hereby appropriated out of any  
14 money in the State Treasury not otherwise appropriated,  
15 to a fund to be known as the Support Enforcement  
16 Incentive Fund, from which the Department of Benefit  
17 Payments shall make payments to each county to be  
18 deposited in the county general fund which shall be a  
19 combination of state and federal funds equivalent to : (a)  
20 *effective July 1, 1975, through June 30, 1976, 33.75 percent*  
21 *of that portion of the amounts received from or collected*  
22 *from noncustodial parents which is used to reduce or*  
23 *repay aid paid pursuant to this chapter, and which*  
24 *qualify for federal incentive funds (b) effective July 1,*  
25 *1976, 27.75 percent of the amounts received from or*  
26 *collected from noncustodial parents which is used to*  
27 *reduce or repay aid payment pursuant to this chapter and*  
28 *which qualify for federal incentive funds.*

29 Where more than one county has participated in such  
30 enforcement or collection, the incentive payment  
31 authorized by this section shall be made to the county  
32 making the collection.

33 Where more than one state has participated in such  
34 enforcement or collection, the incentive payment, if any,  
35 shall be made in accordance with ~~Welfare and~~  
36 ~~Institutions Code~~ Section 15200.2.

37 SEC. 20. Section 15200.2 is added to the Welfare and  
38 Institutions Code, to read:

39 15200.2. There is hereby appropriated out of any  
40 money in the State Treasury not otherwise appropriated,



1 to a fund to be known as the Interstate Collection  
2 Incentive Fund, from which the department shall make  
3 payments to California counties and other states which  
4 shall be a combination of state and federal funds  
5 equivalent to : *(a) effective July 1, 1975, through June 30,*  
6 *1976, 33.75 percent of that portion of the amounts*  
7 *received from or collected from noncustodial parents*  
8 *residing outside California which is used to reduce or*  
9 *repay aid paid pursuant to this chapter and which qualify*  
10 *for federal incentive funds (b) effective July 1, 1976, 27.75*  
11 *percent of that portion of the amounts received from or*  
12 *collected from noncustodial parents residing outside*  
13 *California which is used to reduce or repay aid paid*  
14 *pursuant to this chapter and which qualify for federal*  
15 *incentive funds. The Department of Benefit Payments*  
16 *shall, by regulation, apportion the incentive payment*  
17 *between the collecting state and the county receiving the*  
18 *noncustodial parent support payment.*

19 Where a county makes a collection for another state,  
20 the Department of Benefit Payments shall forward any  
21 incentive payment received from such state to the  
22 county making the collection from the noncustodial  
23 parent.

24 SEC. 21. Section 15204.2 is added to the Welfare and  
25 Institutions Code, to read:

26 15204.2. ~~(a)~~ The state shall pay 50 percent of the  
27 nonfederal administrative costs of administering the  
28 payment of aid grants under Part 3 (commencing with  
29 Section 11000) of Division 9 of the Welfare and  
30 Institutions Code, *with the exception of activities related*  
31 *to the collection of support from noncustodial parents*  
32 *and the determination of paternity in the case of a child*  
33 *born out of wedlock.*

34 ~~(b)~~ From July 1, 1975 through June 30, 1976, counties  
35 shall receive 75 percent of those costs which are  
36 determined to be necessary by the Director of the  
37 Department of Benefit Payments, of administering the  
38 child support program, to which the state shall contribute  
39 that portion not funded by the federal government.

40 ~~(c)~~ Effective July 1, 1976, counties shall receive 75

1 percent of those costs which are determined to be  
2 necessary by the Director of the Department of Benefit  
3 Payments, of administering the AFDC child support  
4 program, to which the state shall contribute that portion  
5 not funded by the federal government.

6 (d) In the event that the amount of federal  
7 participation exceeds 75 percent of costs of administering  
8 the child support program, the sharing ratio will be  
9 altered accordingly.

10 SEC. 22. Section 42.5 of Chapter 578 of the Statutes of  
11 1971 is repealed.

12 SEC. 22.5. *The Department of Benefit Payments is*  
13 *hereby authorized to establish those administrative*  
14 *support positions necessary to carry out the provisions of*  
15 *this enactment. These positions will be 75 percent*  
16 *federally funded and 25 percent state funded.*

17 SEC. 23. *Notwithstanding Section 2231 of the*  
18 *Revenue and Taxation Code, there shall be no*  
19 *reimbursement pursuant to this section nor shall there be*  
20 *any appropriation made by this act because*  
21 *appropriations are made in Sections 15200.1 and 15200.2,*  
22 *and this act contains a revenue source which may be*  
23 *utilized by local governments to cover the cost of the*  
24 *mandate.*

25 SEC. 23 24. This act is an urgency statute necessary  
26 for the immediate preservation of the public peace,  
27 health, or safety within the meaning of Article IV of the  
28 Constitution and shall go into immediate effect. The facts  
29 constituting such necessity are as follows:

30 This proposed legislation is based on Public Law 93-647,  
31 Part B, which deals with enforcement of child support  
32 and which requires all states to adopt child support  
33 programs in accordance with federally established  
34 standards. The effective date of this Public Law is July 1,  
35 1975, and in order to bring California law into conformity  
36 with the federal requirements, this legislation must be  
37 enacted and in effect by that date.

38 If these conforming amendments are not in effect by  
39 July 1, 1975, the following will occur:

40 1. The provisions of California's incentive program will

1 be out of conformity with federal requirements. The  
2 Support Enforcement Incentive Fund presently returns  
3 to the counties 21.25 percent of the moneys collected in  
4 welfare cases. Public Law 93-647 mandates a payment of  
5 25 percent.

6 2. Eligibility requirements for the AFDC program will  
7 be out of conformity with the requirements of the Social  
8 Security Act, since P.L. 93-647 imposes conditions of  
9 eligibility not existent in present state law. These  
10 conditions are furnishing social security numbers,  
11 cooperation by the custodial parent in securing support,  
12 and assigning support rights to the county. Other changes  
13 mandated by P.L. 93-647 are single child support  
14 organizational units and a prohibition against support  
15 payments made directly to the custodial parent.

16 Failure to remedy this inconsistency will result in  
17 applicants who are ineligible under federal law qualifying  
18 for aid under state law. This will result in possible fiscal  
19 sanctions being imposed because ineligible persons are  
20 included in the caseload.

21 3. States which do not have statutory and regulatory  
22 plans in conformity with federal requirements by January  
23 1, 1977, will be subject to fiscal sanctions in the amount of  
24 5 percent per quarter of the federal AFDC funds.

25 4. Failure to have an approved state plan will result in  
26 disallowance of claims for costs of collection after July 1,  
27 1975. This would have a serious impact as most counties  
28 presently receive 50 percent reimbursement for such  
29 activities from the federal government and 25 percent  
30 from the state.

31 ~~SEC. 24. Notwithstanding Section 2231 of the~~  
32 ~~Revenue and Taxation Code, there shall be no~~  
33 ~~reimbursement pursuant to this section nor shall there be~~  
34 ~~any appropriation made by this act because~~  
35 ~~appropriations are made in Sections 15200.1 and 15200.2,~~  
36 ~~and this act contains a revenue source which may be~~  
37 ~~utilized by local governments to cover the cost of the~~  
38 ~~mandate.~~

OBSCURE

Supervised by \_\_\_\_\_

Issued \_\_\_\_\_